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SAUSALITO-MARIN CITY SANITARY
6 DISTRICT

7
8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10
11 NORTHERN CALIFORNIA RIVER
WATCH, a non-profit corporation,

12 Plaintiff,

13 v.

14 SAUSALITO-MARIN CITY SANITARY
DISTRICT and DOES 1-10, inclusive,

15 Defendants.
16

CASE NO. CV08-2097 JCS

**NOTICE OF SETTLEMENT,
STIPULATION FOR EXTENSION OF
TIME IN WHICH TO ANSWER,
COMPLY WITH FRCP RULE 26 AND
CONTINUANCE OF INITIAL CASE
MANAGEMENT CONFERENCE**

17
18 WHEREAS, on July 5, 2007, Northern California River Watch ("River Watch") provided
19 the Sausalito-Marin City Sanitary District ("District") with a 60-Day Notice of Violations and
20 Intent to File Suite ("60-Day Notice Letter");

21 WHEREAS, on April 15, 2008 the Complaint was filed with the Northern District;

22 WHEREAS, the Parties have met through numerous settlement discussions since July
23 2007;

24 WHEREAS, the Parties have reached an agreement to settle which has been approved by
25 the District Board of Directors and River Watch;

26 WHEREAS, the Parties desire to execute the Settlement Agreement and obtain a dismissal
27 of the lawsuit filed on April 15, 2008 by River Watch assigned to Magistrate Judge Joseph C.
28 Spero, United States District Court, Northern District Case No. CV08-2097 JCS with prejudice,

CV08-2097 JCS

NOTICE OF SETTLEMENT, STIPULATION FOR EXTENSION OF TIME IN WHICH TO ANSWER, COMPLY
WITH FRCP RULE 26 AND CONTINUANCE OF INITIAL CASE MANAGEMENT CONFERENCE

1 which Settlement Agreement does not require court approval or request continuing jurisdiction of
2 the Court;

3 WHEREAS, the Parties received on Friday, July 18, 2008, a letter from the U.S.
4 Department of Justice ("DOJ") suggesting DOJ interest in this matter and resolution thereof;

5 WHEREAS, the Parties seek to address this inquiry from the DOJ, but are not seeking
6 formal review or approval of a the Settlement Agreement as the Parties do not seek a consent
7 judgment under the Clean Water Act;

8 WHEREAS, the DOJ may disagree with the Parties position and insist on use of the
9 statutory forty-five (45) day period to review the Settlement Agreement or may request
10 modifications to the Settlement Agreement;

11 WHEREAS, the District seeks to not file an answer in light of the Settlement Agreement,
12 nor do the Parties believe formal compliance with FRCP Rule 26 disclosure or the conduct of a
13 case management conference are required at this time;

14 WHEREAS, the Answer to the Complaint is due today, July 21, 2008 pursuant to
15 Stipulation and additional court dates are pending, including:

16 August 1, 2008 Last day to comply with FRCP Rule 26; and

17 August 8, 2008 Date of Initial Case Management Conference;

18 ///

1 THEREFORE, the Parties stipulate to an extension of time of fifty (50) days in which to
2 file an Answer and comply with Rule 26 disclosures, and further request the Court to reschedule
3 the initial case management conference to a time after the fifty (50) day extension period.

4 DATED: July 21, 2008

MEYERS, NAVE, RIBACK, SILVER & WILSON

5
6 By: /s/ Kenton L. Alm

Kenton L. Alm

7 Attorneys for DEFENDANT SAUSALITO-
8 MARIN CITY SANITARY DISTRICT

9 DATED: July 21, 2008

LAW OFFICE OF JACK SILVER

10 By: /s/ Jerry Bernhaut

11 Jerry Bernhaut

12 Attorneys for PLAINTIFF, NORTHERN
13 CALIFORNIA RIVER WATCH

14 ~~IT IS SO ORDERED:~~

15 DATED: _____

By: _____

16 ~~US NORTHERN DISTRICT MAGISTRATE~~
17 ~~JUDGE JOSEPH C. SPERO~~

1127005.1

18 IT IS HEREBY ORDERED that the stipulation is GRANTED. The last day to comply with
19 Rule 26 disclosures is October 10, 2008. The initial case management conference has been
20 continued to October 17, 2008, at 1:30 p.m.

21 IT IS SO ORDERED.

22 Dated: 7/22/8

